

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MIKE SANTILLANES, a/k/a
MIGUEL DE LA GARZA

Plaintiff,

v.

NO. CIV 01-0091 JP/RLP

JOHN ALLEN,
In his individual capacity,

OTIS RODRIGUEZ,
In his individual capacity,

JOHN DOE 1,
In his individual capacity, and

JOHN DOE 2,
In his individual capacity,

Defendants.

ATTORNEYS' PROVISIONAL DISCOVERY PLAN

1. Pursuant to Fed. R. Civ. P. 26(f), counsel and Plaintiff pro se conducted a "meet and confer" conference on April 9, 2001 and was attended by:

Joe M. Romero, Jr., Esq. for Plaintiff Mike Santillanes a/k/a Miguel De La Garza,

French & Associates, P.C. (Luis Robles, Esq.) for Defendant, Otis Rodriguez

("Officer Rodriguez"), and

John E. DuBois, Esq. for Defendant, John Allen ("Officer Allen"),

2. Discovery Plan. The parties jointly propose to the Court the following discovery plan:

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By using depositions, interrogatories, requests for production, and requests for admission, the parties intend to conduct discovery regarding the various claims brought by Plaintiff and defenses alleged by Defendants within approximately 150 days.

Discovery will be needed on the following subjects:

Plaintiff seeks to obtain the following discovery:

1. Defendant's personnel and internal affairs files.
2. Depositions of Defendants and any fact witnesses as they become known.
3. Depositions Defendants' expert witnesses as they become known.
4. Answers to Interrogatories.
5. Responses to Requests for Production.
6. Responses to Requests for Admission.
7. Discovery related to the facts alleged in the Complaint;
8. Discovery related to the facts surrounding the incidents in question; and
9. Discovery related to the facts surrounding prior acts as they become known.

Officer Rodriguez and Officer Allen seek to obtain the following discovery from Plaintiff:

1. Deposition of Plaintiff and other fact witnesses as they become known;
2. Depositions of Plaintiff's expert witnesses as they become known;
3. Answers to Interrogatories;
4. Responses to Requests for Production;
5. Responses to Requests for Admission;
6. Specific facts regarding events leading up to and including the incident which is

the subject matter of this lawsuit;

7. Other information which may later prove relevant or which may otherwise lead to the discovery of admissible evidence regarding Plaintiff's claims or defenses.

All discovery commenced in time to be completed by January 4, 2002. Discovery on (issue for early discovery) to be completed by (not applicable).

Maximum of 25 interrogatories by each party to any other party.
(Responses due 30 days after service.)

Maximum of 25 Requests for production by each party to any other party.
(Responses due 30 days after service.)

Maximum of 50 requests for admission by each party to any other party.
(Responses due 30 days after service.)

Maximum of 5 depositions by Plaintiffs and 5 by Defendants.

Each deposition (other than of Plaintiff) is limited to a maximum of 4 hours unless extended by agreement of the parties.

Reports from retained experts under Rule 26(a)(2) are due:

from Plaintiffs by October 24, 2001;

from Defendants by November 23, 2001.

Supplementation under Rule 26(e) due December 7, 2001.

3. Other Items. (*use separate paragraphs or subparagraphs as necessary if parties disagree.*)

The parties request a settlement conference in January, 2002.

The parties request a pre-trial conference in March, 2002.

Plaintiffs should be allowed until October 24, 2001 to join additional parties and until October 24, 2001 to amend the pleadings.

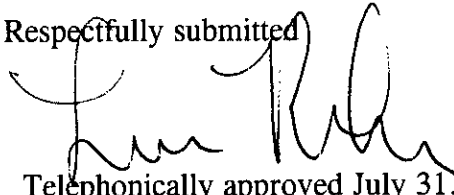
Defendants should be allowed until November 23, 2001 to join additional parties and until November 23, 2001 to amend the pleadings.

All potentially dispositive motions should be filed by January 22, 2002.

Plaintiffs shall provide the Pre-trial Order to Defendant(s) by February 22, 2002 and Defendants shall submit to the Court by March 8, 2002.

Settlement cannot be evaluated prior to end of discovery.

Respectfully submitted



Telephonically approved July 31, 2001

Joe Mr. Romero, Jr., Esq.
Attorney for Plaintiff Mike Santillanes
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(505) 843-9776

STATE OF NEW MEXICO
RISK MANAGEMENT DIVISION
LEGAL BUREAU

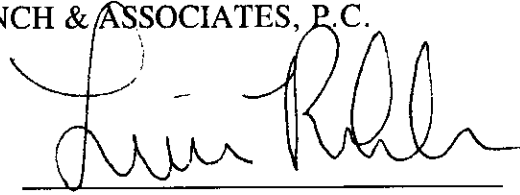


By: Telephonically approved July 31, 2001

John E. DuBois, Esq.
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FRENCH & ASSOCIATES, P.C.

By:

A handwritten signature in black ink, appearing to read "Luis Robles", written over a horizontal line.

Luis Robles

Attorney for Defendant Officer Rodriguez
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